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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,331	11/24/2003	Toyokazu Sugimoto	16869S-101800US	6557
20350 7590 03/12/2010 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER NGUYEN, THUY-VI THI	
			ART UNIT 3689	PAPER NUMBER
			MAIL DATE 03/12/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,331

Applicant(s)

SUGIMOTO ET AL.

Examiner

THUY-VI NGUYEN

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-6; 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/22)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's communication filed on 11/30/2009 wherein:

Claims 1-20 are pending;

Claims 1-4; 7-18 have been withdrawn;

Claims 5-6; 19-20 have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 5-6; 19-20 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument (page 12, first par. of the remark) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *the ticket owner can make the previous reservation using the visual second identifier and the previous reservation information is associated with the machine readable first identifier*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

McGee is silent regarding the relationship between the two identifiers" is noted. However, this is not persuasive because applicant doesn't indicate these two identifiers are different. The instant claim language recites in the preamble to indicate *an*

admission ticket having an information memory element mounted therein with "a unique first identifier" capable of being identified by a computer and also having "a unique second identifier" marked thereon and capable of being identified by a person" and thus, the claim also silent regarding the relationship between the two identifiers.

Furthermore, McGee discloses the admission ticket includes the two different identifier as indicated in the rejection above, e.g. {see figures 2A-2B, pars. 0006, 0023, 0031 discloses the ticket comprise a *magnetic stripe 32 or the identifier 30/barcode*" which is the first identifier and the ticket also includes *the photo ID or PIN or seat identifier* (interpreted to be a second identifier). see figures 2A-2B, pars. 0011, 0029, 0031, 0041.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In accordance with *In re Bilski*, 88 USPQ2d 1385 (Fed.Cir. 2008) the **Machine -or-Transformation Test**, the claimed process must:

- (1) be tied to a particular machine or apparatus (machine implemented); or
- (2) particularly transform a particular article to a different state or thing.

A method claim that does not require machine implementation or does not cause a transformation will fail the test and should be rejected under § 101. However, the mere presence of a machine tie or transformation is not sufficient to pass the test. When a machine tie or transformation has been identified, it must be further determined that

the tie is to a **particular** machine or the particular transformation is of a **particular** article. Additionally, the particular machine tie or particular transformation must meet two corollaries to pass the test for subject matter eligibility. First, the use of the particular machine or transformation of the particular article must impose a **meaningful limit** on the claim's scope. So, a machine tie in only a field-of-use limitation would not be sufficient.

Second, the use of the particular machine or the transformation of the particular article must involve **more than insignificant "extra-solution" activity**. If the machine or transformation is only present in a field-of-use limitation or in a step that is only insignificant "extra-solution" activity, the claim fails the Machine-or-Transformation test, despite the presence of a machine or a transformation in the claim.

With respect to claims 5-6, the claim language does not transform the underlying subject matter and the process is not tied to a particular machine. For instance in claim 5, the process steps of "*preparing...; providing...; receiving...; checking...; registering...*" is not tied to a particular machine, and thus the claims are directed to nonstatutory subject matter. The step in which deals with "providing a display screen...; receiving said input second identifier....; reading the first identifier" appears to be tied to a particular machine. However, these steps are considered as insignificant "extra solution" activity.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 5-6, 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over MCGEE ET AL (US 2004/0065726) in view of MAHONEY ET AL (US 5,502,806).

As for independent claim 5, MCGEE ET AL discloses an admission control method for controlling entrance into one or more facilities installed in a site on the basis of an admission ticket having an information memory element mounted therein with a unique first identifier capable of being identified by a computer {see figures 2A-2B, pars. 0006, 0023, 0031 discloses the ticket comprise a *magnetic stripe 32 or the identifier 30/barcode*} and also having a unique second identifier marked thereon and capable of being identified by a person {see figures 2A-2B, pars. 0011, 0029, 0031, 0041 e.g. the ticket include *the photo ID or PIN or seat identifier*}

said method comprising the steps of:

1) preparing a ticket identifier database which associates the first identifier with the second identifier {see pars. 0028-0029 discloses the amusement park database (a ticket identifier database) that is periodically updated from the host computer system. For example, *when patrons attempt to use their ticket (include first and second identifier), the identifier may be compared with the status information in the amusement park database*}

2) preparing an identifier management database which stores a status of the admission ticket in association with the first identifier {see figure 1, at least pars. 0012; 0030; 0034; discloses a host computer system with a database 16 includes *the records of ticket identifiers that are associated with tickets and their status*};

3) providing a display marked screen to a user terminal connected via a communication network to prompt a user to input information e.g. the second identifier marked on the ticket {see figures 1, 4 (step 54) pars. 0038, 0044-0046, disclose *the user input or enter information about the ticket, e.g. the identifier of the ticket into processing device and information about the identifier is transmitted to a host computer system*}}}

4) receiving said input identifier and authenticating the user based on the identifier {see figures 4-5 pars. 0004-0046; *information about the identifier is transmitted to a host computer system to determine if the ticket is active and check/verify to see if activation criteria satisfied*};

7) checking whether the status of the admission ticket is "sold" by accessing the ticket identifier database and the identifier management database {see figure 5; pars. 0028; 0030-0031; discloses *when patrons attempt to use their ticket* (include first and second identifier), *the identifier may be compared with the status information in the amusement park database and the host computer system to validate a user*};

reading said first identifier of said admission ticket carried by the user who wants to enter one of the facilities installed in said site {see figures 4-5 (step 62), pars. 0026, 0039, 0045, discloses *the ticket identifier is read* at the facilities or redemption locations e.g. amusement park or theater, or sporting event};

controlling the entrance of once of the facilities installed in the site {see pars. 0039; 0045 discloses *the ticket may be taken to an appropriate redemption location, such as an amusement part, theater. The identifier is read from the ticket and transmitted back to the host computer system to checks the status of the ticket and reply back to the venue (device 24). If transmitted is active, the patron may admitted.*

MCGEE ET AL discloses the claimed invention as indicated above. However, MCGEE ET AL does not explicitly discloses features of "user input reservation information including a facility name and reservation time (part of step 5); receiving the input reservation information (step 6); and registering the reservation information in a facility reservation database as associated with said first identifier (step 8)".

MAHONEY discloses the patrons within a theme park have bee issued a special access device such as a card or electronic identification device (ticket) {col. 2, lines 14-20}. When the patron has acquired a card, the patron can proceed to plurality of card

access terminals located through out the theme park, the patron inserts the card into card reader 54. *Card verification and ride time availability is requested* of the single ride waiting line management computer 16 which in turn requests verification from the host computer 10. *Upon verifying the authenticity of the card 52, the host computer 10 relays time availability information to the terminal 42.* and the patron has selected *desired selections such as a particular ride and a time to utilize the ride*, that information is then displayed on the display screen. The patron/card holder can cancel or change a time slot by using any one of the computer access terminal 42 {see MAHONEY, figure 4, at least col. 2, lines 28-30; col. 4, lines 1-23}.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method for controlling an admission ticket of **MCGEET ET AL** to include the verifying the authenticity of the card/ticket before allowing the patron/user to input their reservation information as taught by **MAHONEY** in order to provide the user/patron/customer the opportunity to select/reserve a particular time slot for the particular attractions, thus obtaining the reservation system will eliminate/reduce the waiting time for certain patrons/customer. {see MAHONEY col. 2, lines 24-30}.

As for dependent claim 6, discloses the condition of the reading of the first identifier from the admission ticket ends in a failure or non-responsive, the database is updated ticket status and reissue an admission ticket using various ticket identifiers; this is taught in MCGEE ET AL pars. 0031-0032, and claim 25.

As for independent claim 19, which MCGEE ET AL discloses a computer program product to be executed in an admission control system for controlling entrance

in a site or in one of facilities installed in the site on the basic of an admission ticket having {see figures 1-5} , basically this claim carries the similar steps as the independent 1 above. It is rejected for the same reason sets forth the independent claim 1 as indicated above.

As for dep. claim 20, basically this deals with computer program product comprising the codes for performing the similar step of dep. claim 6 above. It is rejected for the same reason sets forth dep. Claim 6 as indicated above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689

